

Stuart G. Gross (SBN 251019)
 Ross A. Middlemiss (SBN 323737)
 Travis H.A. Smith (SBN 331305)
GROSS KLEIN PC
 The Embarcadero
 Pier 9, Suite 100
 San Francisco, CA 94111
 (415) 671-4628

Attorneys for Plaintiffs and the Proposed Classes
 [additional counsel listed on signature page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

BRAND LITTLE and ROBIN BURNS,
 Individually and on Behalf of All Others Similarly
 Situated,

Plaintiffs,

v.

**PACIFIC SEAFOOD PROCUREMENT, LLC;
 PACIFIC SEAFOOD PROCESSING, LLC;
 PACIFIC SEAFOOD FLEET, LLC; PACIFIC
 SEAFOOD DISTRIBUTION, LLC; PACIFIC
 SEAFOOD USA, LLC; DULCICH, INC.;
 PACIFIC SEAFOOD – EUREKA, LLC;
 PACIFIC SEAFOOD – CHARLESTON, LLC;
 PACIFIC SEAFOOD – WARRENTON, LLC;
 PACIFIC SEAFOOD – NEWPORT, LLC;
 PACIFIC SEAFOOD – BROOKINGS, LLC;
 PACIFIC SEAFOOD – WESTPORT, LLC;
 PACIFIC SURIMI – NEWPORT LLC; BLUE
 RIVER SEAFOOD, INC.; SAFE COAST
 SEAFOODS, LLC; SAFE COAST SEAFOODS
 WASHINGTON, LLC; OCEAN GOLD
 SEAFOODS, INC.; NOR-CAL SEAFOOD,
 INC.; KEVIN LEE; AMERICAN SEAFOOD
 EXP, INC.; CALIFORNIA SHELLFISH
 COMPANY, INC.; ROBERT BUGATTO
 ENTERPRISES, INC.; ALASKA ICE
 SEAFOODS, INC.; LONG FISHERIES, INC.;
 CAITO FISHERIES, INC.; CAITO
 FISHERIES, LLC; SOUTHWIND FOODS,
 LLC; FISHERMEN’S CATCH, INC.;
 GLOBAL QUALITY FOODS, INC.; GLOBAL
 QUALITY SEAFOOD LLC; OCEAN KING**

Case No. 3:23-cv-01098-AGT

**PLAINTIFFS’ OPPOSITION TO
 NONPARTY L&C SEAFOOD
 LLC’S MOTION TO QUASH
 SUBPOENA**

GROSS KLEIN PC
 THE EMBARCADERO
 PIER 9, SUITE 100
 SAN FRANCISCO, CA 94111

**FISH INC.; SOUTH BEND PRODUCTS LLC;
SWANES SEAFOOD HOLDING COMPANY
LLC; BORNSTEIN SEAFOODS, INC.;
ASTORIA PACIFIC SEAFOODS, LLC; and
DOES 29-60,**

Defendants.

GROSS KLEIN PC
THE EMBARCADERO
PIER 9, SUITE 100
SAN FRANCISCO, CA 94111

1 **I. INTRODUCTION**

2 Plaintiffs Brand Little and Robin Burns (“Plaintiffs”) respectfully ask the Court to deny
3 nonparty L & C Seafood LLC’s (“L&C”) motion to quash the lawful subpoena for the production
4 of documents Plaintiffs served on L&C on June 10, 2025 (the “Subpoena”). Plaintiffs seek
5 electronic records concerning L&C’s participation in the commercial Dungeness Crab industry,
6 and compliance with the Subpoena would not unduly burden L&C nor would compliance violate
7 Rule 45’s 100-mile provision. Plaintiffs do not seek to require L&C to comb through mountains
8 of paper records, nor to appear in San Francisco, but rather wish only to obtain electronic records,
9 as they are kept in the ordinary course of business, in a manner that is minimally burdensome to
10 L&C. L&C will be able to comply with the Subpoena by uploading or emailing responsive
11 records, and thus the 100-mile restriction is not applicable. Plaintiffs ask that the Court deny the
12 motion to quash, and permit the parties to meet and confer in order to facilitate L&C’s
13 expeditious and efficient compliance with the Subpoena.

14 **II. BACKGROUND**

15 On June 10, 2025 L&C was served with the Subpoena, which requested the production of
16 certain records concerning its Dungeness crab business. Declaration of Ross A. Middlemiss in
17 support of Plaintiffs’ Opposition to Nonparty L&C Seafood LLC’s Motion to Quash Subpoena
18 (“Middlemiss Dec.”), ¶ 2, Ex. A. Plaintiffs have served nearly identical, subpoenas for the
19 production of records on other nonparty seafood buyers in the Pacific Northwest Area, seeking
20 relevant records to support their case. *Id.*, ¶ 3. Plaintiffs have initiated meet and confer
21 discussions with many of the nonparty subpoena recipients, with both attorneys and principals of
22 the entities themselves, wherein Plaintiffs sought to understand the nonparty’s record keeping
23 practices, namely what type of electronic record keeping system is maintained, in order to find
24 ways to get responsive electronic records in a manner that minimizes burden on the nonparty. *Id.*,
25 ¶ 4. Plaintiffs did not have the opportunity to conduct such meet and confer with L&C prior to its
26 filing of the instant motion to quash. *Id.*, ¶ 5. On July 11 and July 14, Plaintiffs called L&C’s
27 principal, Mr. Liu, and discussed the subpoena, and Plaintiffs clarified their goal in serving the
28 subpoena was to get electronic records—structured data such as Quickbooks reports or other

1 accounting reports concerning L&C's transactional data—and not to force L&C to comb through
 2 and produce paper records. *Id.*, ¶ 6. During this call, L&C indicated that it had electronic profit
 3 and loss statements with information concerning Dungeness crab, but most of the company's
 4 records were paper. *Id.*¹ Plaintiffs asked if L&C would produce the electronic records that it had,
 5 but L&C stated its position that it would not engage with Plaintiff any further until the Court
 6 ruled on the motion to quash. *Id.*, ¶ 7.

7 **III. LEGAL STANDARD**

8 “A Rule 45 subpoena is subject to the relevance requirements set forth in Rule
 9 26(b). Although the party who moves to quash has the burden of persuasion under Rule 45(c)(3),
 10 the party issuing the subpoena must demonstrate that the information sought is relevant and
 11 material to the allegations and claims at issue in the proceedings.” *EON Corp. IP Holdings, LLC*
 12 *v. T-Mobile USA, Inc.*, No. 12-CV-080082-LHK PSG, 2012 WL 1980361, at *1 (N.D. Cal. June
 13 1, 2012) (internal citations omitted); *see also Chevron Corp. v. Donziger*, 2013 WL 4536808, at
 14 *4 (N.D. Cal. Aug. 22, 2013) (the party moving to quash a subpoena bears the burden of
 15 persuasion).

16 “A person commanded to produce documents, electronically stored information, or
 17 tangible things, or to permit the inspection of premises, need not appear in person at the place of
 18 production or inspection unless also commanded to appear for a deposition, hearing, or trial.”
 19 Fed. Rule Civ. Proc. 45(d)(2)(A).

20 **IV. ARGUMENT**

21 **A. The Subpoena Seeks Records That Are Relevant to Plaintiffs' Claims**

22 The Subpoena seeks requests that are relevant to Plaintiffs price-fixing case concerning
 23 the ex vessel price of Dungeness crab in the Pacific NW Area. The Subpoena seeks transactional
 24 data—ex vessel price, shipping, storage, processing costs, and the sale price for processed and
 25 unprocessed Dungeness crab—from L&C. *See Middlemiss Dec.*, ¶ 2, Ex. A. L&C is an ex vessel

26 ¹ A profit and loss statement is derived from data concerning a company's revenue, costs, and
 27 expenses. *See* <https://www.investopedia.com/terms/p/plstatement.asp>. Accordingly, it appears
 28 highly likely that if L&C has electronic profit and loss statements, it has underlying electronic
 revenue, cost, and expense data from which reports could easily be created in response to the
 Subpoena.

1 buyer in the Puget Sound Dungeness crab fishery, and therefore its transactional data is relevant
 2 to Plaintiffs' use of the Puget Sound fishery as a benchmark against which the alleged price-
 3 fixing impacts on the coastal fishery can be measured. *See* ECF No. 255, ¶¶ 203-04, 220, 229,
 4 422. The records sought are relevant to Plaintiffs' claims, and the production of which poses
 5 minimal burden to L&C.

6 **B. L&C Will Not Be Unduly Burdened By Producing the Records Plaintiff Seeks**

7 Plaintiffs do not want a mountain of paper records from L&C, nor do they expect L&C to
 8 scan and transmit thousands of pages of documents, and thus compliance with the Subpoena will
 9 not result in undue burden. Plaintiffs, as they are doing with each of the nonparty subpoena
 10 recipients they are conferring with, wish to understand what type of records, if any, L&C keeps
 11 concerning its Dungeness crab business, and find the least burdensome way for L&C to produce
 12 those records. Middlemiss Dec., ¶¶ 4, 6. Plaintiffs expect that once the parties can meet and
 13 confer and delineate the universe of responsive documents, a straight forward production
 14 transmitted via secured file-share location or email can be arranged, and that it will not take up
 15 more than a few hours of L&C's time, at most. The burden outlined in L&C's motion associated
 16 with processing and compiling paper records, *see* ECF No 368-5 at 3-4, is simply not at issue.
 17 Plaintiffs were not able to assuage L&C's concerns before the motion was filed, but Plaintiffs are
 18 confident the parties can reach a non-burdensome resolution should the Court deny the motion to
 19 quash and allow the parties to engage earnestly in a meet and confer process.

20 **C. The Production Plaintiffs Seek Does Not Violate Rule 45's 100-mile**
 21 **Restriction**

22 The Subpoena seeks the production of documents in a manner that does not require
 23 L&C's representatives to travel to San Francisco, but instead seeks the digital transmission of
 24 electronic records. Because the Subpoena does not instruct L&C to appear at the production
 25 location along with the requested documents, Rule 45(c)(2)(A)'s 100-mile limitation does not
 26 apply. *See Cartessa Aesthetics LLC v. Aesthetics Biomedical Inc.*, No. CV-19-05827-PHX-DWL,
 27 2020 WL 5846603, at *1 (D. Ariz. Oct. 1, 2020) ("Rule 45(c)(2)(A)'s 100-mile boundary [does]
 28 not apply where, as here, the subpoenaed person is not instructed to also appear at the production

location along with the requested documents”) (citations omitted); *see also Elsom v. Global Life & Accident Ins. Co.*, 2018 WL 4092020, *2 (D. Or. 2018) (same). Plaintiffs want electronic transaction data concerning L&C’s Dungeness crab purchase and sale business, and this data, to the extent it exists, can be easily uploaded to a secured shared folder, or emailed to Plaintiffs, without requiring any L&C representatives to even leave their Washington office.

CONCLUSION

For the forgoing reasons, Plaintiffs respectfully request the Court to deny L&C’s motion to quash the Subpoena.

Respectfully Submitted,

Dated: July 17, 2025

GROSS KLEIN PC

By: /s/ Stuart G. Gross

STUART G. GROSS

Stuart G. Gross (SBN 251019)
Travis H. A. Smith (SBN 331305)
Ross A. Middlemiss (SBN 323737)
GROSS KLEIN PC

The Embarcadero
Pier 9, Suite 100
San Francisco, CA 94111
(415) 671-4628
sgross@grosskleinlaw.com
tsmith@grosskleinlaw.com
rmiddlemiss@grosskleinlaw.com

Matthew W. Ruan (SBN 264409)
FREED KANNER LONDON & MILLEN LLC
100 Tri-State International, Suite 128
Lincolnshire, IL 60069
(224) 632-4500
mruan@fklmlaw.com

Matthew S. Weiler (SBN 236052)
SCHNEIDER WALLACE COTTRELL KONECKY, LLP
2000 Powell Street, Suite 1400
Emeryville, CA 94608
(415) 421-7100
mweiler@schneiderwallace.com

GROSS KLEIN PC
THE EMBARCADERO
PIER 9, SUITE 100
SAN FRANCISCO, CA 94111

GROSS KLEIN PC
THE EMBARCADERO
PIER 9, SUITE 100
SAN FRANCISCO, CA 94111

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Steven N. Williams (SBN 175489)
STEVEN WILLIAMS LAW, P.C.
201 Spear St, Suite 1100
San Francisco, CA 94105
(415) 671-4628
swilliams@stevenwilliamslaw.com

*Counsel for Plaintiffs and the Proposed
Classes*